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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,389	04/19/2004	Takayuki Shirane	43888-312	9712

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McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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CANTELMO, GREGG

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,389	<b>Applicant(s)</b> SHIRANE ET AL. 	
	<b>Examiner</b> Gregg Cantelmo	<b>Art Unit</b> 1745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/19/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed April 19, 2004 has been placed in the application file and the information referred to therein has been considered as to the merits.

### ***Drawings***

3. The drawings received April 19, 2004 are acceptable for examination purposes.

### ***Specification***

4. The abstract of the disclosure is objected to because it exceeds 150 words. A 150-word limit has been imposed by the USPTO to conform to PCT applications and Pre-Grant Publications. See 37 CFR 1.72 and rule changes applied thereto. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 09-063630-A (JP '630).

JP '630 discloses of a secondary battery comprising an electrode group, an electrolyte a battery case for accommodating therein said electrode group and said electrolyte and a current collector plate positioned at the bottom of said battery case, wherein said electrode group is formed by winding a positive electrode and a negative separator, electrode with the interposition of a separator, said positive electrode comprises a belt-shaped positive electrode core and a positive electrode material mixture carried on said positive electrode core, said negative electrode comprises a belt-shaped negative electrode core and a negative electrode material mixture carried on said negative electrode core, at least one of said positive electrode and said negative electrode has an end portion parallel to the lengthwise direction thereof exposing said core, said end portion positioned at an end face of said electrode group is directly connected to said current collector plate, and at least part of said current collector plate is exposed outside at the bottom of said battery case (Fig. 3 as applied to claim 1).

One of the current collector plates 15A serves as the bottom of the battery (Fig. 3 as applied to claim 2).

The current collector 15A is connected to the positive electrode and is made of aluminum (translated paragraph [0045] as applied to claim 7).

The electrolyte comprises a non-aqueous solvent and a solute dissolved in the solvent (paragraph [0018] and paragraph [0038] as applied to claim 8).

JP '630 discloses of a secondary battery comprising an electrode group, an electrolyte a battery case for accommodating therein said electrode group and said

Art Unit: 1745

electrolyte and a current collector plate positioned at the bottom of said battery case, wherein said electrode group is formed by winding a positive electrode and a negative electrode with the interposition of a separator, said positive electrode comprises a belt-shaped positive electrode core and a positive electrode material mixture carried on said positive electrode core, said negative electrode comprises a belt-shaped negative electrode core and a negative electrode material mixture carried on said negative electrode core, said positive electrode has an end portion A parallel to the lengthwise direction exposing the positive electrode core, said negative electrode has an end portion B parallel to the lengthwise direction exposing the negative electrode core, said end portions positioned at opposing ends of the electrode group and connected to opposing collector plates 15A and 15B with said current collector plates exposed outside the bottom of the battery case (Fig. 3 as applied to claim 9).

7. Claims 1, 2 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 09-312161-A (JP '161).

JP '161 discloses of a secondary battery comprising an electrode group, an electrolyte a battery case 10 for accommodating therein said electrode group and said electrolyte, and a current collector plate positioned at the bottom of said battery case, wherein said electrode group is formed by winding a positive electrode and a negative separator, electrode with the interposition of a separator, said positive electrode comprises a belt-shaped positive electrode core and a positive electrode material mixture carried on said positive electrode core, said negative electrode comprises a belt-shaped negative electrode core and a negative electrode material mixture carried

Art Unit: 1745

on said negative electrode core, at least one of said positive electrode and said negative electrode has an end portion parallel to the lengthwise direction thereof exposing said core, said end portion positioned at an end face of said electrode group is directly connected to said current collector plate, and at least part of said current collector plate is exposed outside at the bottom of said battery case (Fig. 1 as applied to claim 1).

Each collector plate 11 and 12 serves as the bottom of the battery case (Fig. 1 as applied to claim 2).

The positive current collector 12 is aluminum (paragraph [0024] as applied to claim 7).

The electrolyte comprises a non-aqueous solvent and solute (paragraph [0015 as applied to claim 8).

JP '161 discloses of a secondary battery comprising an electrode group, an electrolyte a battery case for accommodating therein said electrode group and said electrolyte and a current collector plate positioned at the bottom of said battery case, wherein said electrode group is formed by winding a positive electrode and a negative electrode with the interposition of a separator, said positive electrode comprises a belt-shaped positive electrode core and a positive electrode material mixture carried on said positive electrode core, said negative electrode comprises a belt-shaped negative electrode core and a negative electrode material mixture carried on said negative electrode core, said positive electrode has an end portion A parallel to the lengthwise direction exposing the positive electrode core, said negative electrode has an end

Art Unit: 1745

portion B parallel to the lengthwise direction exposing the negative electrode core, said end portions positioned at opposing ends of the electrode group and connected to opposing collector plates 12 and 11 with said current collector plates exposed outside the bottom of the battery case (Fig. 1 as applied to claim 9).

8. Claims 1-4, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 09-306442-A (JP '442).

JP '442 discloses of a secondary battery comprising an electrode group, an electrolyte a battery case 2 for accommodating therein said electrode group and said electrolyte, and a current collector plate 5 positioned at the bottom of said battery case 2, wherein said electrode group is formed by winding a positive electrode and a negative separator, electrode with the interposition of a separator, said positive electrode comprises a belt-shaped positive electrode core and a positive electrode material mixture carried on said positive electrode core, said negative electrode comprises a belt-shaped negative electrode core and a negative electrode material mixture carried on said negative electrode core, at least one of said positive electrode and said negative electrode has an end portion parallel to the lengthwise direction thereof exposing said core, said end portion positioned at an end face of said electrode group is directly connected to said current collector plate 5, and at least part of said current collector 5 plate is exposed outside at the bottom of said battery case (Figs. 1, 2 and 4 as applied to claim 1).

Collector plate 5 serves as the bottom of the battery case (Figs. 1, 2 and 4 as applied to claim 2).

The collector plate serves to close the bottom of the case 2 and is welded to the case (Figs. 2 and 4 and abstract as applied to claim 3).

In the embodiment in Fig. 4, the collector plate is disposed in the through hole defined by the case 2 and is welded to the interior surface 2b of the case 2 (as applied to claim 4).

The collector plate is made of nickel (abstract) and is connected to the negative electrodes (abstract and Figs. 2 and 4 as applied to claim 6).

The electrolyte comprises a non-aqueous solvent and solute (paragraph [0015 as applied to claim 8).

JP '442 discloses of a secondary battery comprising an electrode group, an electrolyte a battery case 2 for accommodating therein said electrode group and said electrolyte and a current collector plate 5 positioned at the bottom of said battery case, wherein said electrode group is formed by winding a positive electrode and a negative electrode with the interposition of a separator, said positive electrode comprises a belt-shaped positive electrode core and a positive electrode material mixture carried on said positive electrode core, said negative electrode comprises a belt-shaped negative electrode core and a negative electrode material mixture carried on said negative electrode core, said positive electrode has an end portion A parallel to the lengthwise direction exposing the positive electrode core, said negative electrode has an end portion B parallel to the lengthwise direction exposing the negative electrode core, said end portion positioned at opposing ends of the electrode group and connected to



Art Unit: 1745

collector plate 5 with said current collector plate exposed outside the bottom of the battery case (Figs. 1, 2 and 4 as applied to claim 9).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '630 or JP '442 in view of U.S. patent No. 4,332,867 (Tsuda).

The teachings of JP '442 have been discussed above and are incorporated herein.

The difference between claim 5 and JP '442 is that JP '442 does not expressly define the thickness of the collector plate.

According to Tsuda, the thickness of the current collector is also one of factors that affect the welding efficiency. However, according to the present invention, where each of the positive and negative current collectors 21 and 22 is made of nickel or nickel-plated steel, the current collector having a thickness up to 0.5 mm can be employed satisfactorily. If the thickness is larger than 0.5 mm., the red-hot state can hardly be established at that portion of the current collector bound by the welding electrodes because of the reduced electric resistance and also of the increased heat capacity. In addition, the larger the thickness of the current collector, the more rigid the

Art Unit: 1745

current collector, and accordingly, there is difficulty in welding the portion of the current collector to each turn of the edge portion of the corresponding positive or negative plate. Although this possibility can be avoided if the current collector of the increased thickness is pressed against the edge portion of the corresponding positive or negative plate by the application of a pressure during the welding operation, the application of the pressure will adversely results in fall-down or folding of some of the turns of the edge portion of the corresponding positive or negative plate, which fall-down brings about short-circuiting between one turn of the edge portion of the positive plate and the adjacent turn of the edge portion of the negative plate (paragraph bridging columns 7 and 8).

The motivation for providing a current collector having a thickness of up to 0.5 mm is that it provides a collector configuration having sufficient welding capability.

Therefore it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to modify the teachings of JP '442 by configuring the thickness of the collector plate to be up to 0.5 mm since it would have provided a collector which has sufficient welding capability for welding of the plate to the case.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPAT 3,898,104 (da Costa) discloses a current collector having a portion which protrudes out from the interior of the cell.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregg Cantelmo whose telephone number is (571) 272-

Art Unit: 1745

1283. The examiner can normally be reached on Monday to Thursday from 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. FAXES received after 4 p.m. will not be processed until the following business day. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregg Cantelmo  
Primary Examiner  
Art Unit 1745

gc

A handwritten signature in black ink, appearing to read "Gregg Cantelmo", written in a cursive style.

October 8, 2004